IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY

PETITION NO. 95 OF 2006.

Re : Smita Balaram Ajinkya & Anr., ... Debtors.

Ex-parte :
Mr. Ghisalal S. Parmar . . . . . Petitioning Creditor.

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Mr. Ramesh C. Jain, Advocate for Petitioning Creditor.

CORAM : A.M.KHANWILKAR J.
DECEMBER 4, 2007.

P. C.

1. The present Petition is founded on the decree passed by the Court against debtors on 24th August 2005 in Summary Suit No. 1973 of 2004. As the debtor failed to pay the amount, Insolvency Notice No. N-85 of 2006 dated 23rd June 2006 was issued, which was duly served on the debtors on 13th July 2006. Inspite of service, debtor failed to pay the decretal amount. In that sense, act of insolvency was completed on 18th August 2006.

2. As the debtors failed to pay the amount or offer any explanation for non-payment, Petitioning Creditors have had no option but to take out the present action, which has been filed on 7th October 2006. The Debtors have been duly served with substituted notice in the present action, as per the liberty given to the Petitioning Creditor to effect service by substituted mode.

Inspite of such service, none appears for the debtors. No reply has been filed. As no explanation have been offered on behalf of the debtors, Petition ought to succeed in terms of prayer clauses (a) and (b).

. Ordered accordingly.

A. M. KHANWILKAR, J.